

I. Restriction Requirement

In the Office Action, the Office required restriction under 35 U.S.C. § 121 between the following groups claims:

- I. Claims 1-10 and 12-18, drawn to quinazoline derivatives of Formula I wherein A is pyridyl; and
- II. Claims 1-9 and 11-18, drawn to quinazoline derivatives of Formula I wherein A is phenyl.

Group II, comprising claims 1-9 and 11-18, drawn to quinazoline derivatives of Formula I wherein A is phenyl, is provisionally elected with traverse.

Applicants respectfully refer the Office to M.P.E.P. § 803, which sets forth criteria and guidelines for the Office to follow in making proper requirements for restriction.

There, guidance can be found in the instructions provided to the Office, which guidance is as follows:

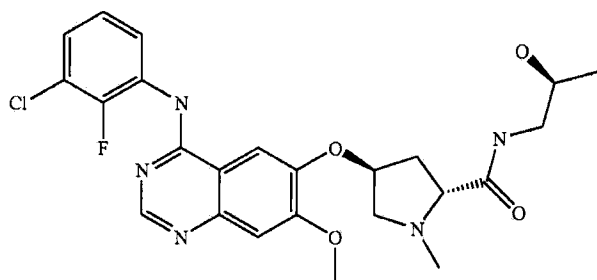
If the search and examination of an entire application can be made **without serious burden**, the Office **must** examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803 (emphasis added).

Here, the Office has not shown that examining Groups I and II together would constitute a serious burden. Applicants respectfully submit that the search of the claimed subject matter falling within Group I will substantially, if not completely, overlap with the search for the claimed subject matter falling within Group II. Accordingly, Applicants respectfully request that the requirement for restriction be withdrawn. However, should the requirement not be withdrawn, Applicants reserve the right to file one or more divisional applications drawn to the non-elected subject matter.

II. Election of Species

In the Office Action, the Examiner also required election under 35 U.S.C. § 121 of a species. Applicants respectfully traverse that election requirement. However, to be fully responsive, Applicants elect, with traverse, (4*S*)-4-({4-[(3-chloro-2-fluorophenyl)amino]-7-methoxyquinazolin-6-yl}oxy)-N-[(2*S*)-2-hydroxypropyl]-1-methyl-D-prolinamide, which is the compound Example Nos. 11-32, having the following structure:



Claims 1, 12-23, 26, and 28-32 are believed to read on this species.

Applicants respectfully request that the full scope of the claimed invention continue to be examined in this application without restriction or election. If the Examiner chooses to maintain the election requirement, Applicants respectfully request the Examiner, if the elected species is found allowable, to continue to examine the full scope of the subject matter to the extent necessary to determine the patentability thereof, that is, extending the search to a reasonable number of the non-elected species according to M.P.E.P. § 809 and 35 U.S.C. § 121.

In view of the foregoing remarks, Applicants respectfully submit that the restriction and election of species requirement are in error and request that the requirement be withdrawn.

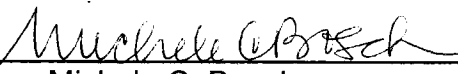
III. Conclusion

Applicants respectfully request the consideration of the pending claims and examination of the application. Please grant any extension of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 4, 2008

By: 
Michele C. Bosch
Reg. No. 40,524